

REMARKS

Regarding the Examiner's objections

With respect to the continuity recitation, as seen in the published application number 2004/0250488, the error by duplicate inclusion of the words “which is a divisional of application serial number 10/679,720 filed on October 6, 2003” have already been removed. In any case, please amend the Related Applications paragraph (60) to read:

This application is a continuation in part of application serial number 10/679,720 filed on October 6, 2003 now abandoned ~~which is a divisional of application serial number 10/679,720 filed on October 6, 2003~~ which is a divisional of application serial number 10/254,038 filed on September 24, 2202 now U. S. Patent No. 6,662,213 which is a continuation of patent application serial number 08/967,055, filed on November 10, 1997 now U.S. Patent No. 6,591,566 which is a continuation in part of application serial number 08/441,251 filed May 15, 1995 now U.S. Patent No. 5,685,116, which is a continuation of patent application serial number 08/222,826 filed on April 5, 1994 now abandoned, the contents of all of which are incorporated herein by reference.

Please amend the title of the application to read:

Method Of Making A Preshaped Form

Figures 17a, 17b and 19 have been amended to recite “Prior Art”. The Examiner's requirement with respect to Figure 20 is traversed because Figure 20 shows a corner aid that has been modified by adjustment of the dimension of the opening (see para 0143), in this case by reducing the opening.

Regarding the section 112 rejection.

Claim 43 has been amended to recite the particular form of the corner aid. This is described in paragraph 0140 and is seen in the figures. Claims 44 and 47 being dependant from claim 43 incorporate the amendment.

Regarding the section 102(b) rejection of claim 43 over Vass.

This rejection is traversed.

Claim 43 is a method claim and as such its preamble is considered part of the claimed elements since it is to accomplish the preamble purposes that the methods are performed. In this respect, the recited purposes are like a whereby clause in which the end result of the method is recited, which in this claim is recited in the preamble. It is a prefabricated relief form for use as a trim feature when applied to a prepared structural wall. As will be seen, none of the references have the steps that could accomplish this.

The claim has been amended to cure the 112 rejection respecting the definition of the corner aids. It has also been amended to add “an elongated fixture” in order to cure the antecedent problem in claim 47. Since “the fixture” is in claim 47 it implies an antecedent in a prior claim this is within the elected species and search definition.

Vass teaches making an arch.. He uses an arched corner bead which has been modified or at least is made with lugs in one form or prongs, in another form. The lugs and prongs are needed in order to attach the corner beads to the expanded metal.

Vass contemplates that “workmen” will be constructing his arch by hand to match a particular job. But the present invention contemplates a manufacturing process to make the products generically for later use. Clearly the product in Vass is made with some difficulty since attaching the corner bead on the expanded metal will require a lot of manual manipulation in order to attach them and to provide the finished curved shape. However the present invention makes a standard straight product easily using a fixture. As indicated in the specification, it is the fixture that defines the ultimate dimensions of the final product and the fixture keeps the separate parts in place so that they can be fixed to each other resulting in the final form.

Claim 43 defines these differences in that with the fixture, “the first side corner aid and the second side corner aid lengthwise oppositely [are] relative to each other so that each of them defines a height and a corner of the relief form member and together they define a width of the relief form member and an inside space....”

This would not work for Vass because as he points out his approach is for “an arch construction adapted to fit framework of any thickness.” He does this by “provid[ing] an arch construction in which component parts may be shipped in knocked-down condition...and then assembled on the job....”

The present invention fits the trim piece on a wall, and for this application it can be fully constructed off-site and no further assembly is needed.

The claimed invention is not shown in Vass and neither would it be obvious because Vass' goal and means for accomplishing the goal differ from the goal and means claimed.

Regarding the rejection of claim 43 as being anticipated by Schepis

This rejection is traversed.

Schepis' purpose is to be able to attach corner beads to walls such as beams. To do this he uses a clip. The clip is first attached to the beam "as by means of a single spot weld" [2:40]. Then the lath and beading strips are fitted to the clips in which prongs 7 of the clip fit into openings of the lath and bent over to hold the lath against the wall or beam. So, this is an assembly made at the site, for a specific purpose. It differs from claim 43 because as pointed out above, claim 43 is a method that assembles the parts without involving use of any wall. In fact as can be appreciated, the end result of claim 43 is a hollow part. That could not be accomplished by Schepis because he has to have a structural piece, wall A, in order to put the clips on it.

Regarding the rejection of claims 43, 44 and 47 as being anticipated by Hampton.

This rejection is traversed.

As pointed out above, claim 43 refers to a method for constructing a trim skeleton off-site which can then be transported whole and simple applied to a wall and then stuccoed over.

Claim 44 further defines the method by using glue to join the corner aids together while they are on the fixture.

Claim 47 further defines the method by having a sheet of paper inside the shape formed by the corner beads and in which the glue also holds the paper in place. The purpose for the paper is for backing the first coat of plaster that will be put on the form. None of the references has anything like this which solves a problem in that the first coat of plaster has to be restrained from just dumping into the space in the form. The problem is solved by having the glue serve two purposes, to join the corner aids and at the same time to hold the paper in place.

None of the reference has anything like the paper and none of them could suggest it because they are all assembled on-site to fit the particular job, while the claimed invention can be assembled off-site and delivered fully assembled for easy application to a wall.

With the foregoing it is requested that the present claims be allowed.